

Notice of Allowability

Application No.

10/782,091

Examiner

Rodney H. Bonck

Applicant(s)

LABOUT, ANDREW M.

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received August 24, 2005.
2. ☒ The allowed claim(s) is/are 1,2,4,6-15,17-20 and 22-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 05/20/05.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

The following action is in response to the amendment received August 24, 2005.

Allowable Subject Matter

Claims 1, 2, 4, 6-15, 17-20, and 22-46 are allowed. In accordance with MPEP 608.01(n)IV, claims 1, 2, 4, 13-15, 19, 20, 22-45, 6-12, 46, 17, and 18 will be renumbered for printing as claims 1-42, respectively.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to show or render obvious a clutch control system as defined in claim 1 wherein the gearshift lever sensor is mechanically coupled to the gearshift lever.

The prior art of record also fails to show or teach the control system as defined in claim 23 having a position detector as defined in section (C) of the claim.

The method of controlling enablement of a clutch assembly as defined in claim 34 is allowed for the reasons set forth in applicant's Remarks received August 24, 2005, specifically the arguments set forth from line 16 of page 25 to line 16 of page 26.

The art of record fails to show or render obvious the clutch control system as defined in claim 45 having the selectively actuable latch mechanism as defined in section (C) of the claim.

The prior art fails to show or teach the clutch control mechanism as defined in claim 46 having the gearshift lever sensor, including an optical encoder, as defined in section (A) of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Comment

The proposed drawing corrections filed August 24, 2005 are approved by the examiner. Accordingly, the objection to the drawings is withdrawn.

The amendments to the specification filed August 24, 2005 overcome the objections to the disclosure set forth in the previous Office action. Therefore, the objections are withdrawn.

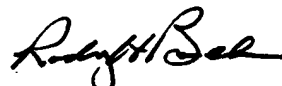
The formal error in claim 10 is corrected by the amendment of August 24, 2005. Therefore the objection to claim 10 is withdrawn.

After reconsideration in view of applicant's amendments to the claims and in view of applicant's arguments set forth in the response of August 24, 2005, the rejections based on 35 USC 103(a) are withdrawn, and the claims are allowed for the reasons set forth above under Reasons for Allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
September 21, 2005



*Approved
RHB
09/21/05*

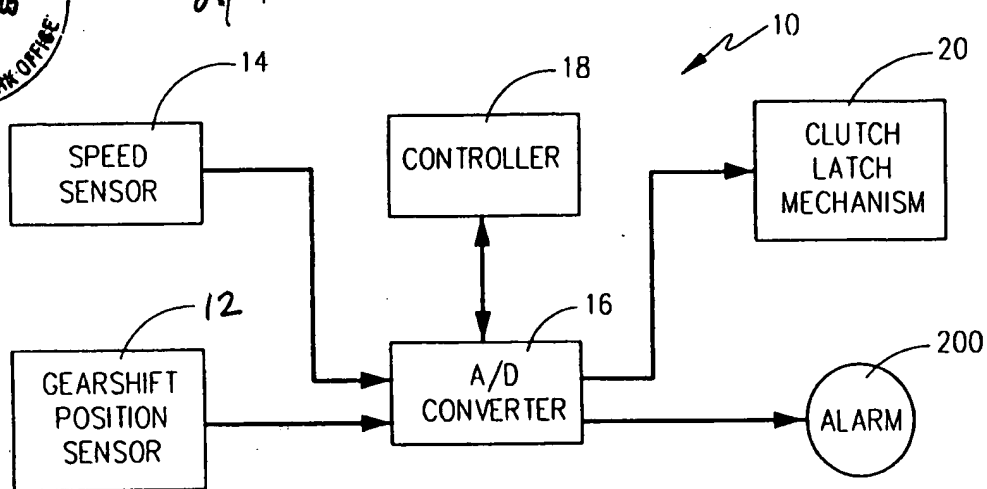


Fig. 1

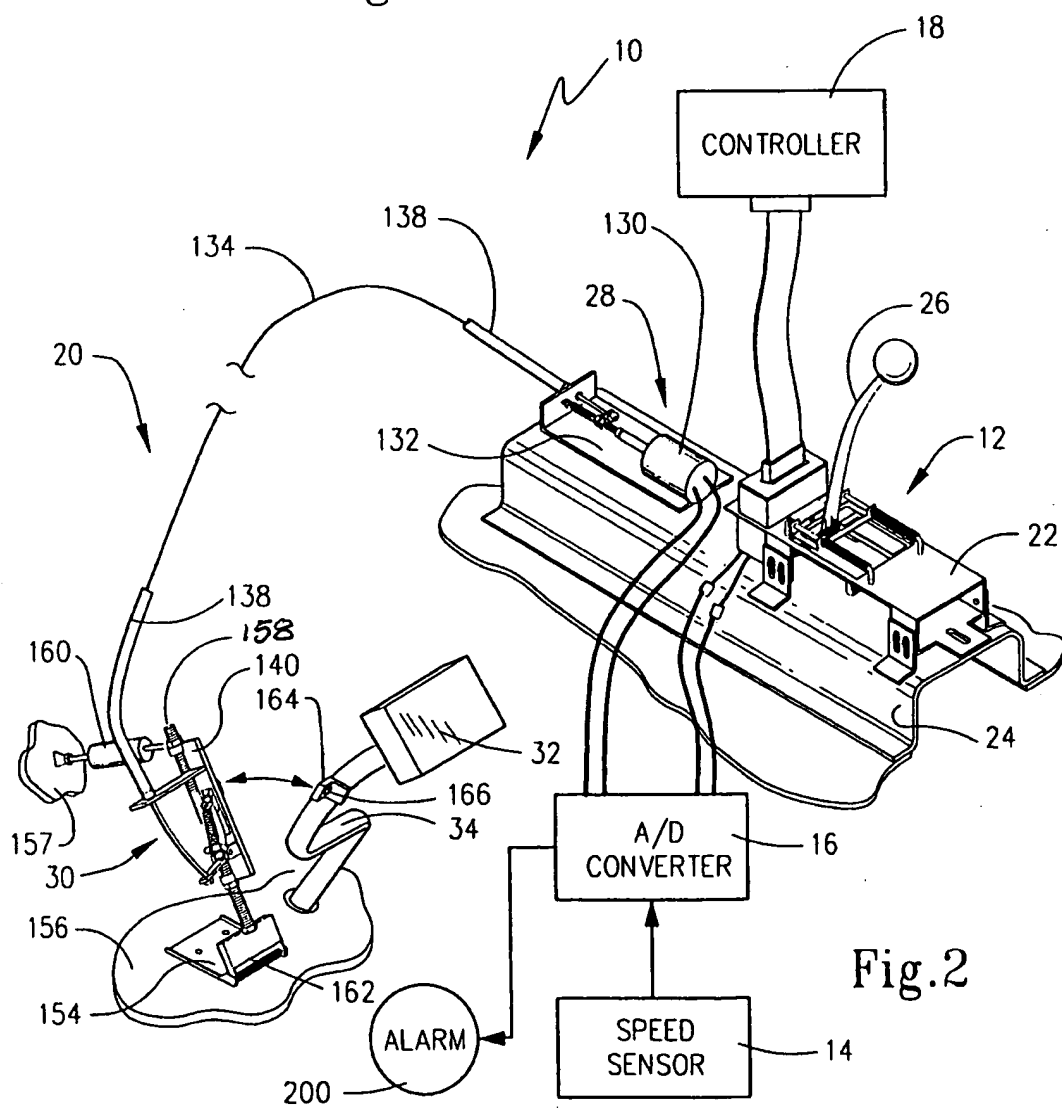


Fig. 2

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RMB
09/24/05

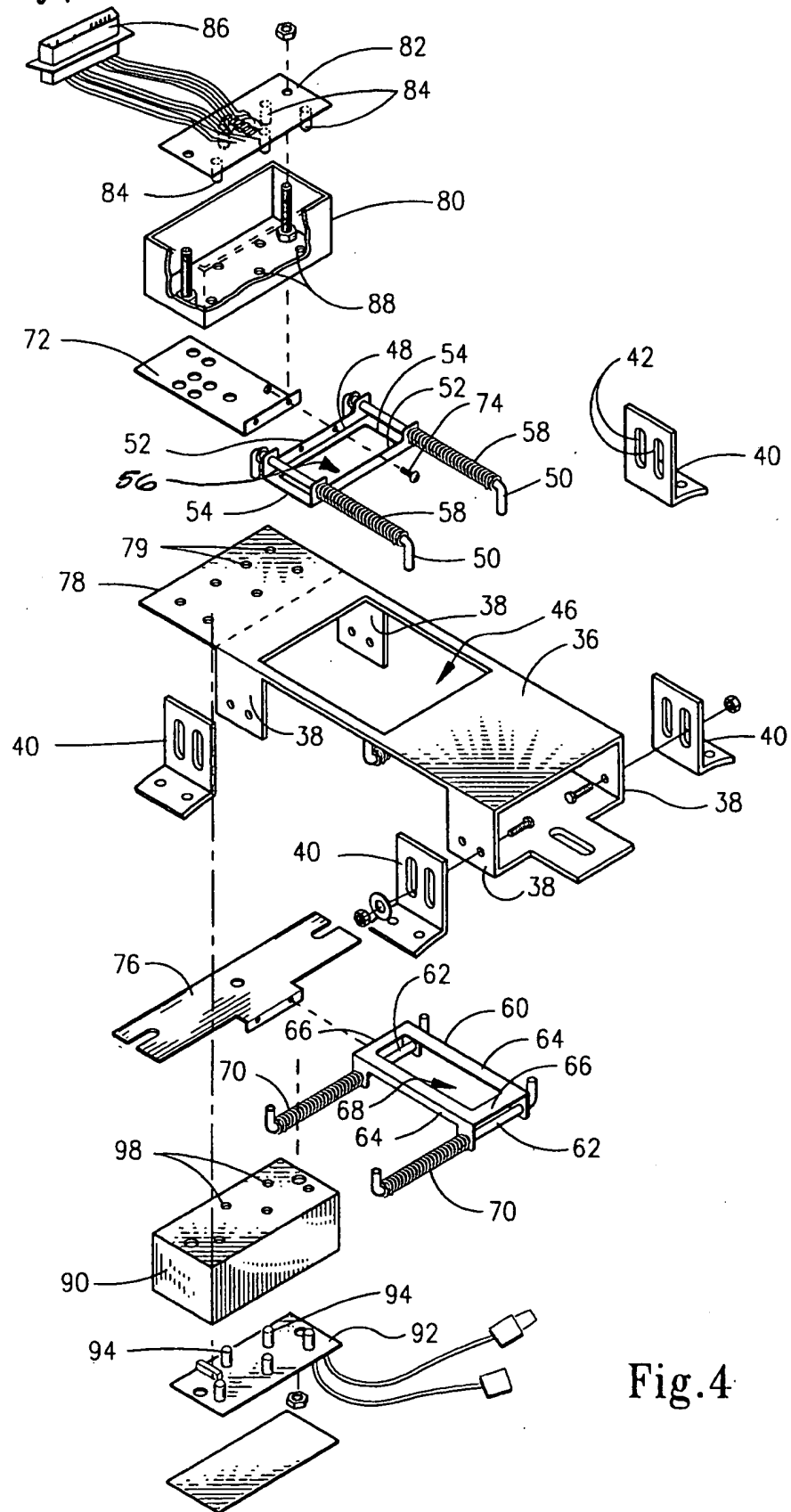


Fig.4

Approved
09/21/05

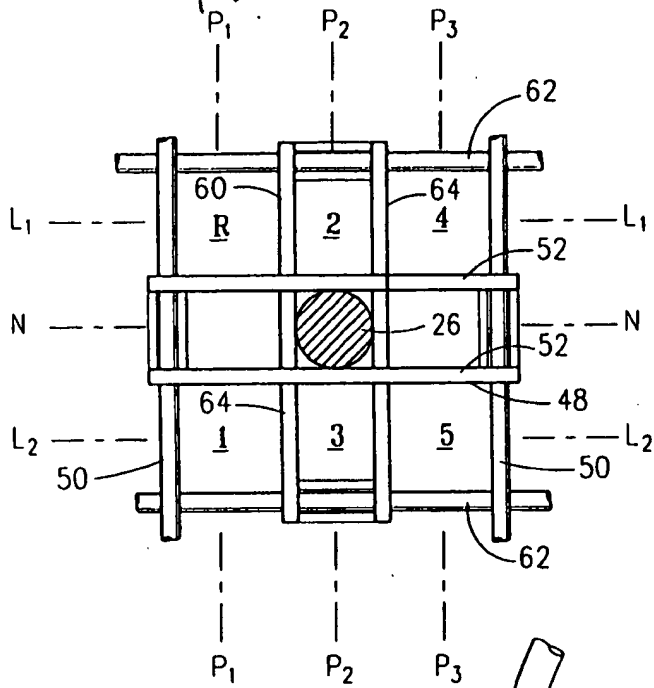


Fig. 7

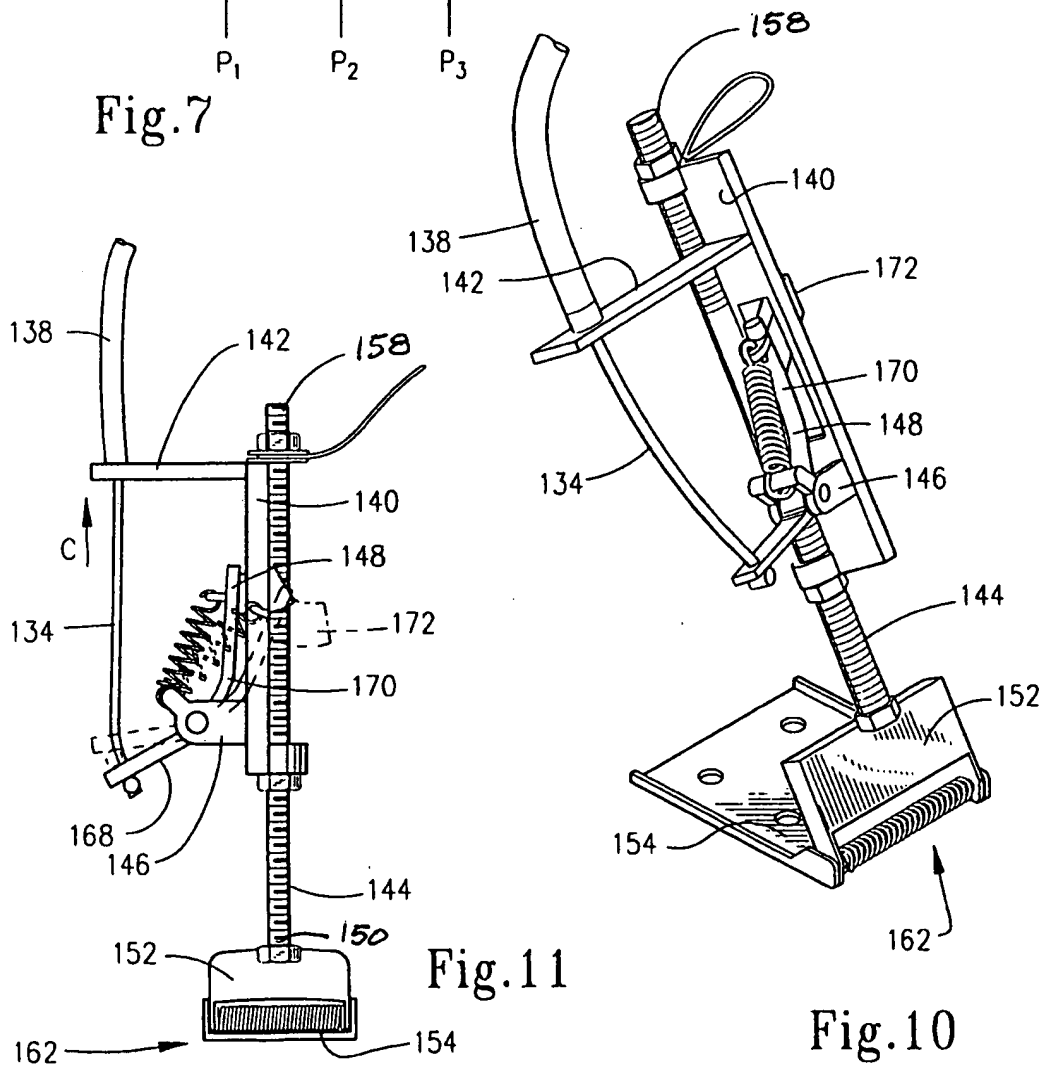


Fig. 11

Fig. 10